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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,019

09/24/2003

Hikari Kawata

121027-198

4531

35684

7590

11/24/2006

BUTZEL LONG
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR, MI 48104

EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/670,019	Applicant(s) KAWATA ET AL.	
	Examiner Melanie J. Hand	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 28, 2006 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-4 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 2 and 4 are objected to because of the following informalities: the phrase "over said front, intermediate and rear regions, at least over said intermediate region" is unclear because it sets forth simultaneous limitations that are inconsistent with one another. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanberg ('545) in view of Hansen (U.S. Patent No. 4,808,175).

With respect to **claim 1**: Wanberg teaches a disposable body fluid absorbent pad 1 having a longitudinal direction and a transverse direction, said pad 1 further comprising a front region, a rear region and an intermediate region between said front region and said rear region; a liquid-pervious topsheet 2; a liquid-impervious backsheet 5; a liquid-absorbent core 3 between said liquid-pervious topsheet 2 and said liquid-impervious backsheet 4; said pad being contoured by longitudinally opposite end portions extending in said transverse directions outside longitudinal front and rear ends of said liquid-absorbent core 3 and transversely opposite side edge portions extending in said longitudinal direction outside transversely opposite side edges of said liquid-absorbent core 3, illustrated most clearly in Fig. 3; and an insertion space means 8 comprising a cover sheet 4 which defines an insertion space between said cover sheet and a part of an outer surface of said liquid-impervious backsheet 5 as seen in Fig. 2, and at least one non-sealable opening to guide a wearer's hand into said insertion space (Fig. 6), with at least a part of a periphery of said cover sheet 4 joined onto an outer surface of said liquid-impervious backsheet 5 at seal 7. ('545, Col. 3, lines 9-24, 57-73)

Wanberg does not teach that cover sheet 4 is provided with one of a different color from the topsheet or backsheet, or an indicator element. Hansen teaches tongue 18 and groove member 19 that contact one another to seal bag 14 once the diaper is contained therein. The tongue 18 and groove 19 are visible elements with tactile quality that clearly indicate the proper orientation of the bag in order to accomplish the sealing of said bag 14. Therefore the tongue 18 and groove 19 are considered herein to constitute an indicator element. ('175, Col. 14-50)

Hansen teaches that the diaper having the associated bag allows for disposal of the soiled diaper without need for contact with said soiled diaper by the user ('175, Col. 2, lines 51-58), therefore it would be obvious to one of ordinary skill in the art to modify the device of Wanberg

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so as to dispose a tongue and groove sealing means proximate cover sheet 4 as taught by Hansen.

With respect to **claim 2**: Cover sheet 4 is superposed over said front, intermediate and rear regions, at least over said intermediate region.

With respect to **claim 3**: Cover sheet 4 extends at least over said intermediate region and said rear region as seen in Figs 1 and 4 and has a fixed end portion at seal 7 extending in said transverse direction along said longitudinally rear end portion of said pad 1. Insertion space 8 defines a non-sealable pocket opening from said side of said front region toward a side of said rear region.

With respect to **claim 4**: Wanberg does not teach elastically stretchable members. Hansen teaches a diaper having a package for storing said diaper after soiling wherein elastically stretchable members are attached to said front and rear regions of diaper 10 and said intermediate region, at least to said intermediate region so as to extend in said longitudinal direction along said opposite side edge portions of said diaper 10 and to be contractible in said longitudinal direction. Hansen teaches that the diaper depicted in Figs. 1-4 having elastic members is of standard construction, therefore it would be obvious to one of ordinary skill in the art to modify the diaper of Wanberg so as to contain elastically stretchable members as taught by Hansen.

With respect to **claim 12**: Wanberg does not teach that cover sheet 4 has a predetermined indicator element. Hansen teaches tongue 18 and groove member 19 that contact one another

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to seal bag 14 once the diaper is contained therein. The tongue 18 and groove 19 are visible elements with tactile quality that clearly indicate the proper orientation of the bag in order to accomplish the sealing of said bag 14. therefore the tongue 18 and groove 19 are considered herein to constitute an indicator element. Hansen teaches that the diaper having the associated bag allows for disposal of the soiled diaper without need for contact with said soiled diaper by the user, therefore it would be obvious to one of ordinary skill in the art to modify the device of Wanberg so as to dispose a tongue and groove sealing means proximate cover sheet 4 as taught by Hansen.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', written over the printed name and title.